



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 4th Floor
New York, New York 10007

January 4, 2008

BY HAND

Honorable Richard J. Holwell
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1950
New York, New York 10007

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Qiu v. Chertoff
07 Civ. 5571 (RJH)

Dear Judge Holwell:

I am writing respectfully to apprise the Court of recent developments in the above-referenced civil action and, in light of those developments, request a 30-day extension (from next Monday, January 7, 2008, to February 6, 2008) of the Government's time to respond to plaintiffs' motion for summary judgment.

In the action, plaintiffs seek to compel the Government to adjudicate a Refugee/Asylee Relative Petition ("Form I-730 petition") filed by plaintiff Qing Yue Qiu (a successful asylum applicant living in the United States) on behalf of plaintiff Qi Zhuo Qiu (allegedly Qing Yue Qiu's minor son living in the People's Republic of China) so that the latter may be accorded permission to enter the United States as the derivative beneficiary of the former's successful asylum application.

Recently, the United States Departments of State and Homeland Security have taken steps to resolve this matter, which soon promise to render plaintiffs' claims moot. First, United States Citizenship and Immigration Services has approved the Form I-730 petition at issue and has forwarded it to the United States Consulate in Guangzhou, China ("Consulate") for further processing, as provided by the governing law. See 8 U.S.C. § 1158(b)(3)(A); 8 C.F.R. §§ 207.7, 208.21, 1208.21 (2007). Officials at the Consulate have informed me that they have scheduled a January 15, 2008 appointment for Qi Zhuo Qiu to be interviewed by consular officials, following which they will be in a position to make a final decision as to whether Qi Zhuo Qiu may enter the United States as a derivative asylee.

SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

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In light of these developments, Theodore Cox, Esq., counsel for plaintiffs, has graciously consented to the extension of time requested by the Government. I thank the Court for its consideration of that request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By: 

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cc: BY TELEFACSIMILE
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